

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

THE BOARD OF REGENTS OF THE
UNIVERSITY OF TEXAS SYSTEM,

Plaintiff,

v.

BENQ AMERICA CORP., ET AL.,

Defendants.

Consolidated Case No.
A:05CA181 SS
[Related Case Nos.
A:05CA198 SS
A:05CA333 SS]

JURY DEMANDED

The Honorable Sam Sparks

STIPULATION TO JUDGMENT OF NON-INFRINGEMENT

WHEREAS on January 26, 2006 the Defendants moved for summary judgment that the phrase "syllabic element" as used in the 4,674,112 patent (the " '112 patent") was indefinite as a matter of law. (Docket No. 189.)

WHEREAS on July 14, 2006 the Court denied Defendants' motion for summary judgment and held that the phrase "syllabic element" was sufficiently definite as a matter of law. (Docket No. 266.)

WHEREAS on November 7, 2006, Motorola filed a motion for summary judgment that two of its handsets – the i205 and T720 – do not infringe the '112 patent. (Docket No. 395.)

WHEREAS the T720 handset employs iTap text messaging software, and the i205 handset employs T9 text messaging software.

WHEREAS on April 9, 2007, the Court entered summary judgment that the i205 and T720 handsets do not infringe the '112 patent. (Docket No. 484.)

WHEREAS the parties desire to stipulate to entry of a final judgment as set forth herein in order to facilitate an appeal of the Court's rulings.

IT IS THEREFORE HEREBY STIPULATED BY AND AMONGST THE PARTIES THROUGH THEIR RESPECTIVE COUNSEL AS FOLLOWS:

(1) All remaining handsets identified in "Plaintiff's Infringement Contentions for Samsung A620 and 8500A Devices," (Docket No. 288), "Plaintiff's Infringement Contentions for Devices Using T9 Software," (Docket No. 290), and "Plaintiff's Infringement Contentions for Devices Using iTap Software," (Docket No. 294), use either iTap or T9 software that was the subject of Motorola's summary judgment motion. All remaining handsets identified in "Plaintiff's Infringement Contentions for Accused Devices Using eZiText Software," (Docket No. 292), use eZiText software. (Collectively "the Remaining Handsets")

(2) The Remaining Handsets do not rely on a vocabulary of "only syllabic elements," as the term "syllabic elements" was construed by the Court in its July 14, 2006 Order (Docket No. 266), and as applied by the Court in its order dated April 9, 2007 (Docket No. 484.).

(3) Although the Remaining Handsets were not the subject of Motorola's summary judgment motion, because the Remaining Handsets do not rely on a vocabulary of "only syllabic elements," on that basis the Parties stipulate that the Court's order granting Motorola's summary judgment motion (Docket No. 484) would apply equally to the Remaining Handsets. Plaintiff and Defendants do not stipulate to, and reserve all rights to: (a) contest on appeal any other findings on which the Court based its opinion granting summary judgment; and (b) urge or contest on appeal any basis for affirmance or reversal.

(4) Defendants do not dismiss their defense of invalidity, including but not limited to Defendants' claim that the phrase "syllabic element" is indefinite as a matter of law, and intend to appeal the Court's ruling (Docket No. 266).

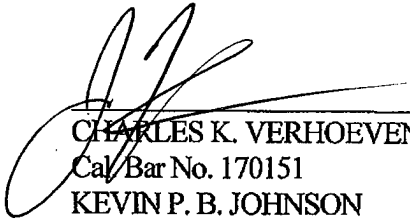
(5) Defendants' counterclaims are dismissed without prejudice.

(6) The parties reserve all rights in and to their counterclaims and defenses.

(7) Accordingly, the parties stipulate to entry of a final judgment of noninfringement.

Dated: April 25, 2007

Respectfully submitted,



CHARLES K. VERHOEVEN
Cal. Bar No. 170151

KEVIN P. B. JOHNSON

Cal. Bar No. 177129

VICTORIA F. MAROULIS

Cal. Bar. No. 202603

JENNIFER A. KASH

Cal. Bar No. 203679

EVETTE D. PENNYPACKER

Cal. Bar No. 203515

QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP

50 California St., 22nd Floor

San Francisco, California 94111

415.875.6600 Telephone

415.875.6700 Facsimile

COUNSEL FOR DEFENDANTS AUDIOVOX COMMUNICATIONS CORP., BENQ AMERICA CORP., CHI MEI COMMUNICATION SYSTEMS, INC., COMPAL COMMUNICATIONS, INC., CURITEL COMMUNICATIONS, INC., HTC CORP., HON HAI PRECISION INDUSTRY CO., LTD., KYOCERA WIRELESS CORP., LG ELECTRONICS MOBILECOMM U.S.A., INC., MOTOROLA, INC., NEC CORPORATION OF AMERICA, NOKIA, INC., PANASONIC CORP. OF NORTH AMERICA, SAMSUNG TELECOMMUNICATIONS AMERICA, LLP., SANYO NORTH AMERICA CORP., SENDO AMERICA INC., SHARP CORPORATION, SIEMENS COMMUNICATIONS, INC., SONY ERICSSON MOBILE COMMUNICATIONS, A.B., SONY ERICSSON MOBILE COMMUNICATIONS (U.S.A.), INC., UTSTARCOM INC.

And

RUSSELL HORTON

Texas Bar No. 10014450

KINCAID, HORTON & SMITH

106 E. 6th Street

Austin, TX 78701

512-499-0999 Telephone

512-499-0816 Facsimile

COUNSEL FOR DEFENDANTS COMPAL COMMUNICATIONS, INC., HTC CORP., LG ELECTRONICS MOBILECOMM U.S.A., INC., NEC CORPORATION OF AMERICA, SONY ERICSSON MOBILE COMMUNICATIONS, A.B, SONY ERICSSON MOBILE COMMUNICATIONS (U.S.A.), INC., SAMSUNG TELECOMMUNICATIONS AMERICA, LLP., SHARP CORPORATION, PANASONIC CORP. OF NORTH AMERICA

and

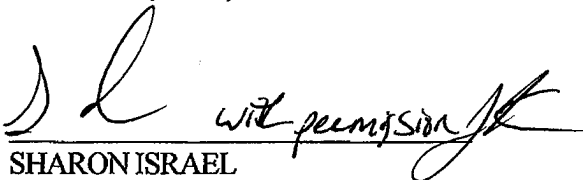
ALAN ALBRIGHT
Texas Bar No. 00973650
FISH & RICHARDSON, P.C.
111 Congress Ave., Suite 400
Austin, TX 78701
512.391.4928 Telephone
512.391.6837 Facsimile

COUNSEL FOR DEFENDANTS CURITEL COMMUNICATIONS, INC., SANYO NORTH AMERICA CORP., SENDO AMERICA INC., SIEMENS COMMUNICATIONS, INC., UTSTARCOM INC., NOKIA, INC.,

and

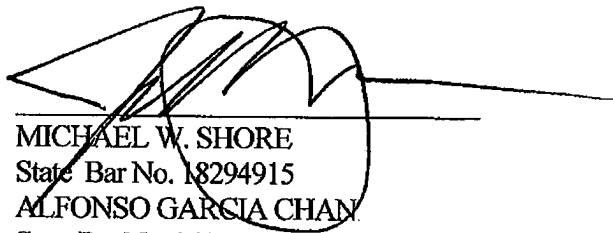
WAYNE HARDING
Texas Bar No. 08978500
DEWEY BALLANTINE LLP
401 Congress Avenue, Suite 3200
Austin, TX 78701
512.226.0300 Telephone
512.226.0333 Facsimile

COUNSEL FOR DEFENDANTS BENQ AMERICA CORP., CHI MEI COMMUNICATION SYSTEMS, INC., HON HAI PRECISION INDUSTRY CO., LTD. AND MOTOROLA, INC.

A handwritten signature in cursive script, appearing to read "Sharon Israel", is written over a horizontal line. To the right of the signature, the words "with permission" are written in a smaller, less legible cursive script.

SHARON ISRAEL
Texas Bar No. 0078934
Mayer, Brown, Rowe & Maw LLP
700 Louisiana Street-Suite 3400
Houston, Texas 77002

COUNSEL FOR DEFENDANT KYOCERA WIRELESS CORP.

A handwritten signature in black ink, appearing to read "Michael W. Shore", is written over a horizontal line. The signature is stylized with a large, sweeping loop and a long horizontal stroke extending to the right.

MICHAEL W. SHORE

State Bar No. 18294915

ALFONSO GARCIA CHAN

State Bar No. 24012408

JEFFREY R. BRAGALONE

State Bar No. 02855775

GERALD B. HRYCSZYN

State Bar No. 24043734

JENNIFER M. RYNELL

State Bar No. 24033025

SHORE CHAN BRAGALONE LLP

325 North Saint Paul Street-Suite 4450

Dallas, Texas 75201

214.593.9110 Telephone

214.593.9111 Facsimile

COUNSEL FOR PLAINTIFF THE BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM